

REMARKS

Claims 1-15, 19-21 and 23-34 remain pending in the present application. Claims 16-18 and 22 have been cancelled. Claims 1, 3, 4, 6, 8, 9, 11-14, 19, 25, 27, 29 and 30 have been amended. Claims 31-34 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

CLAIM OBJECTIONS

Claim 14 is objected to because of informalities. Claim 14 has been amended to overcome the rejection. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 3 and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 3 and 22 have been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3, 6, 19, 25, 27 and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Noji, et al. (U.S. Pat. No. 5,157,932). Claim 1 has been amended such that the determining means determines whether or not the temperature detected by the non-contact temperature sensor corresponds to an actual temperature of the passenger compartment. Noji, et al. determines if the vehicle is too hot or too cold, but Noji, et al. always measures the actual temperature of the vehicle. Noji, et al. does not determine

whether or not this measured temperature corresponds to the actual temperature of the vehicle. Noji, et al. assumes the measured temperature is the actual temperature.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 3 and 6, which depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 19, Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claim 22 depended from Claim 19. Claim 22 has been amended to overcome the 35 U.S.C. § 112 issues, its limitations have been added to Claim 19 and Claim 22 has been cancelled. Thus, Applicants believe Claim 19, as amended, patentably distinguishes over the art of record.

Claim 25 has been amended in a similar manner as Claim 1 and the above discussion regarding Claim 1 applies here also. Thus, Applicants believe Claim 25, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 27 has been amended in a similar manner as Claim 1 and the above discussion regarding Claim 1 applies here also. Thus, Applicants believe Claim 27, as amended, patentably distinguishes over the art of record. Likewise, Claim 30, which depends from Claim 27, is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3, 6, 10, 19, 21, 25, 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Noji, et al. in view of Kamiya, et al. (U.S. Pat. No. 6,202,934). Claims 4 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Noji, et al. in view of Kamiya, et al. in further view of Omura (U.S. Pat. No. 5,408,837). The above discussion of Claims 1, 19, 25 and 27 apply here also since the primary reference is Noji, et al. Kamiya, et al. is being used to provide a non-contact temperature sensor but Kamiya, et al. does not disclose, teach or discuss determining whether or not the detected temperature corresponds to an actual vehicle temperature as is now claimed in Claims 1, 19, 25 and 27.

Thus, Applicants believe Claims 1, 19, 25 and 27 patentably distinguish over the art of record. Likewise, Claims 3, 4, 6, 10, 14, 21 and 30, which ultimately depend from one of these claims, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 depended from Claim 1. Claim 9 has been amended to independent form to include the limitations of Claim 1 and is thus believed to be allowable. Claim 22 has been incorporated into claim 19 as discussed above.

REJOINDER

Applicants respectfully request the rejoinder of Claims 2, 5, 7, 8, 11-13, 15, 20, 23, 24, 26, 28 and 29. Claims 16-18 have been cancelled.

NEW CLAIMS

New Claims 31-34 are dependent claims which Applicants believe properly further limit their respective dependent claim. Applicants believe Claims 31-34 read on the elected species.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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